

# Ensuring access to justice for women Armenia

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Chisinau

# Introductory Part

- 1. THE CURRENT STATE AND PERSPECTIVES OF IMPROVEMENT OF WOMEN'S ACCESS TO JUSTICE IN ARMENIA
- 1.1. An overview of the current state of gender equality in Armenia
- 1.2. The implementation of the concept of equal access of women to justice in Armenia
- 1.3. The obstacles in ensuring women's access to justice (barriers of socio-economic and cultural nature and legal and institutional barriers)

# Special Part

## 2. BARRIERS TO EQUAL ACCESS OF WOMEN TO JUSTICE IN THE CONTEXT OF CRIMINAL JUSTICE

### 2.1. Domestic violence in the context of women's access to justice

- A) The nature of domestic violence and its prevalence in Armenia
- B) Sex-selective abortions
- C) Early marriages

## D) Drawbacks in combating domestic violence

- Drawbacks of legislation
- Failure to ensure victim safety: *recommendations*
- Mild qualification of the relevant offences: *recommendations*
- Too lenient sanctions: *recommendations*
- Courtroom management: *recommendations*
- Several resonant cases from the practice of the national courts in each of the above mentioned sections.

## E) Crimes of private prosecution and the role of prosecutors

## F) Improving access to justice for the victims of domestic violence

*Some of the suggestions for prosecutors:*

- Exercise strict control over the initial stage of criminal proceedings particularly in terms of rejecting to initiate criminal proceedings upon the DV victims' complaints and mediation between the perpetrator and the victim.
- Avoiding delays in GBV cases is highly important. The victim is often more willing to cooperate immediately after the incident. Besides, it would decrease the likelihood of additional, potentially more serious crimes.
- To decline the dependence on solely the victim's statement. Instead consider whether there is other supportive evidence independent from the victim.
- Not tolerate absence of due diligence in investigation of DV cases.
- Not allow mild qualification of the crimes in the context of domestic violence.
- Undertake necessary measures to ensure victim safety *i.a.* by applying for detention for the perpetrator and applying protective measures provided by Criminal Procedure Code.

## *Some of the suggestions for judges*

- Prevent irrelevant discussions on women's sexual history and moral characteristics in the courtroom.
- Not let gender stereotypes influence the objectiveness of the judgment.
- Make sure that the reconciliation between the parties is due to the victim's free will, not because of threats and pressure.
- Aim for a fair and just decision based on the facts of the case, taking into account abuse from the violator and the safety of the victim.
- Provide the victims with the possibility to testify remotely or via communication equipment when this is necessary to protect her privacy, safety and other human rights.
- Stop applying lenient sentences for DV cases.

## **2.2. Access to justice of the victims of sexual violence and perspectives of improvement**

### *Vicious practices*

#### *Improving access to justice of the victims of sexual violence:*

- To take necessary measures in order to prevent secondary victimization.
- Exclude attempts to justify violence with previous agreements to engage in sexual contact.
- To request or provide evidence on the victim's consent rather than on the victim's physical resistance. The lack of resistance does not necessarily mean absence of rape, whilst lack of consent does. The latter should be seen as a decisive criterion.
- Eliminate prejudices against sex workers. In many cases involving sex workers, the consent for sexual acts, even those of a violent nature, is taken for granted. The stereotype that sex workers should accept sexual violence compromises justice.

### 3. BARRIERS TO EQUAL ACCESS OF WOMEN TO JUSTICE IN THE CONTEXT OF CIVIL PROCEEDINGS

3.1. Women's Access to justice in divorce proceedings

3.2. Women's access to justice in the context of labor rights